

**Wisconsin Groundwater Advisory
Committee: Overview of the 2007 Report's
Menu of Recommendations**

Joint Hearing before the Senate and
Assembly Natural Resource
Committees
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5 Key Issues Considered:

1. The definition of “springs” protected under the law.
2. 1200 foot distance criteria for Groundwater Protection Areas (GPAs).
3. Scope of Protected Waters within GPAs.
4. Significant Environmental Impact.
5. Water Conservation.

Quick Review:

Under Act 310, a high-cap well proposed in one of following 3 categories is subject to NR 820's screening process to assess risk of environmental impact:

- (i) If it's "near a Spring" that meets certain size and flow duration criteria;
- (ii) If it's "within 1200 feet of" Trout Streams, Outstanding Resource Waters or Exceptional Resource Waters.
- (iii) If it will have a High Water Loss.

Issue # 1: Should the Statutory Definition of **Springs** be revised to Expand Needed Protections ?

Current Definition:

“Spring” means an area of concentrated groundwater discharge occurring at the surface of the land that results in a flow of at least one cubic foot per second at least 80% of the time.”

* the **only springs** protected under Act 310 are those that flow at a rate of **1 CFS or larger at least 80 % of the time.**

* Only an estimated 235 springs in the state meet the 1 CFS flow criteria; the majority remain **unprotected.** (Macholl (2007)).

GWAC Menu Regarding
Springs Definition:
[see pp. 23-27]

Alternative 1: Expand Protection
by lowering threshold. Include
under statutory protection smaller
springs vital to stream flow by
defining protected springs as \geq
0.25 cfs in size (numbered at 714
per Macholl (2007)) & by
eliminating the 80% flow duration
component.

GWAC Menu re: Springs (cont.)

Alternative 2: Maintain Existing Definition of springs + allow for consideration of economic & environmental factors in decisions.

Alternative 3: Initiate Further Review Process: Fund field verification of springs ≥ 0.25 cfs + proceed with another DNR-Advisory Committee (new) review-recommendation process re: criteria.

Issue # 2: Should the 1200' Distance Criteria for GPAs Be Changed ?

Current Law: An NR 820 environmental review is required If the proposed well falls within a **Groundwater Protection Area (GPA)**, defined as “an area within **1,200 feet of any of the following:**

- * Outstanding Resource Waters (ORW)
- Exceptional Resource Waters (ERW)
- Trout Streams—Class I, Class II, and Class III

GWAC Menu re: GPA 1200'

Distance
~~*Alternative (1)*~~: (pp. 13-14)

Eliminate 1200' Distance Criteria:

In place of the arbitrary 1200' distance currently provided under the law, **subject all proposed high-cap wells to review based on scientific factors** to assess the potential impact on nearby surface resources.

+

Authorize DNR to **develop a logical, water science-based analysis** for all proposed high capacity wells with the potential to adversely impact surface waters.

GWAC Menu re: GPA Distance

(cont.) pp. 12-13; 15-16.

Alternative (2): Retain existing GPA 1200' limit provision, which supporters contend provides certainty and priority protection for designated GPA surface waters.

Alternative (3) Expand GPA distance to 4000 feet from protected waters, along with additional screening criteria to determine potential for impact.

Issue # 3: Should the Scope of Waters Designated for GPA Protection be expanded?

Current law: **Only** ORW, ERW + Trout Streams are designated for protection as GPAs.

* As a result, presently next to no high-cap-well protection is afforded nearly any of the state's lakes, a majority of the state's rivers and streams, or the state's wetlands.

GWAC Alternative: Expand Scope. Additional valued water resources should be included under the protected waters designation for GPAs. (see pp. 16-17)

Issue # 4: NR 820 Definition of “Significant Environmental Impact”

GWAC Consensus:

- The Definition of Significant Environmental Impact” in NR 820 does not need revision.
 - scope adequately protective
 - consistent with WEPA
 - consistent with the Great Lakes Compact

Issue # 5: Water Conservation

The Legislature should authorize the development & implementation of a coordinated statewide water conservation program which:

- * Evaluates conservation practices within GPAS and near springs.
- * Requires demonstration of conservation for all high-cap wells within GMAs and GAAs.
- * Identifies WI water management + conservation goals and strategies.